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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1280th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 18 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Azerbaijan (continued) (CEDAW/C/AZE/5; CEDAW/C/AZE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Azerbaijan took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Mr. Mammadov** (Azerbaijan) said that Azerbaijan had been a member of the International Labour Organization (ILO) since 1992 and had ratified a number of ILO conventions, including the Maternity Protection Convention, 2000 (No. 183), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Underground Work (Women) Convention, 1935 (No. 45). The Labour Code contained a specific section on the protection of women's employment rights, with provisions even more progressive than those set out in international instruments. The Code prohibited employers from refusing to recruit women because they were pregnant or had children under the age of 3 years or from terminating the employment contract of pregnant women with children under 3 years of age or single mothers with children below school age if the position was their only source of income. It provided for the transfer of pregnant women to lighter work and protected them against exposure to arduous or hazardous working conditions, including night shifts. Reducing the wages of pregnant or breastfeeding women was also prohibited. Women were entitled to additional leave if they had more than one child under 14 or a child with disabilities under 16 years. Working women were entitled to 126 calendar days' paid maternity leave. Fathers who were raising children on their own and adoptive parents or legal guardians raising children under 2 months old were entitled to 56 days' special parental leave.

3. The State Labour Inspectorate was the body responsible for monitoring compliance with labour legislation and ensuring safe labour conditions for both men and women. The Government had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and prohibited discrimination against women in respect of recruitment. Significant progress had been made with regard to the employment of female government officials, of whom there were currently more than 50,000.

4. Regarding persons with disabilities in Azerbaijan, of whom just under half were women, he said that, in 2009, Azerbaijan had become one of the first countries to ratify the Convention on the Rights of Persons with Disabilities. It had implemented an action plan and several laws on the protection of disability rights. A disability quota of 4 per cent was applied to companies with more than 100 employees and, in 2014, a vocational rehabilitation centre for young persons with disabilities had been established in Baku.

5. **Ms. Huseynova** (Azerbaijan) said that the Government had developed a range of programmes to promote female entrepreneurship and economic empowerment. In recent years, there had been a significant increase in the number of women in higher education studying non-traditional subjects such as economics, mathematics and chemistry. Steps had also been taken to address low university enrolment rates in certain regions of the country.

6. Turning to the issue of data collection, she said that a proposal had been formulated to expand the use of gender-disaggregated data under the State Programme on Poverty Reduction and Sustainable Development. The proposal had been submitted to the Cabinet of Ministers for its consideration.

7. Responding to questions about support for women with HIV/AIDS, she said that the Ministry of Health had set up a special fund and developed a strategy for the provision of psychological assistance and the elimination of discrimination. The Government had also launched a health-care campaign aimed at refugees and internally displaced persons, offered support to survivors of the massacre that took place in the town of Xocali in 1992 and, in 2012, opened a centre for victims of violence and trafficking. Reproductive health education had been given to girls in children's homes.

8. **Mr. Aghayev** (Azerbaijan) said that the bill on reproductive health, which had been given its first reading, was still under consideration. It included provisions on assisted reproductive technology and sperm banks. It was hoped that the bill would be submitted to the parliament for its approval in the near future.

9. The Government had formulated a policy to reduce the number of abortions, which, according to official figures, was around 200,000 in 2012. The Ministry of Health had developed clinical protocols on reproductive health and family planning and produced a textbook for medical students. Moreover, it intended to raise awareness among women of modern contraceptives and the harmful effects of abortion. The Family Code would be amended to provide for premarital medical checks to help lower the incidence of certain illnesses.

10. Adolescent sexual and reproductive health was considered a priority. Clinics had been opened for young people and students had been provided with information on the prevention of sexually transmitted diseases. In 2012, the Ministries of Health and Education had launched a pilot project on reproductive health education for secondary-school students. Lastly, a bill was being drafted to prevent HIV/AIDS and protect those affected by it from stigma and discrimination.

11. **Mr.** Firudin **Gurbanov** (Azerbaijan) said that the Constitution guaranteed the right of all citizens to education and that the State provided free and compulsory schooling. Private schools did exist but had to be accredited by the Ministry of Education. Under national legislation, refugees and children deprived of parental care were entitled to free tuition in secondary schools, with all costs borne by the Government. Refugee and disadvantaged families also received a government grant for uniforms and textbooks. The Ministry of Education supplied all primary-school textbooks free of charge and had provided 8 million secondary-school textbooks since 2010. It had also developed a website containing educational materials, including electronic versions of schoolbooks.

12. Turning to the question on the impact of early marriage on school dropout rates, he said that, in 2010, the Ministry of Education had launched a project in 11 districts of the country to provide training to teachers and raise awareness of the problem among students. The Ministry had evaluated the factors affecting dropout rates and responded accordingly by working with local authorities and conducting home visits.

13. In recent years, 200 schools had been built and others had been renovated to ensure that they met the highest construction standards, including with regard to heating, and a fund had been created to support the running of 25 orphanages for girls.

14. **Ms. Huseynova** (Azerbaijan) said that the situation of girls leaving boarding schools posed a particular problem and a programme had been launched to provide them with work and accommodation. In that connection, she noted that there was no sex discrimination for other groups requiring help with accommodation, such as war veterans and persons with disabilities. With regard to the question of health in remote areas, she said that a mobile cancer unit had been set up, which had proved extremely effective in diagnosing cases of the disease and referring women for treatment and support. Mobile ambulance units had also been established, which were capable of carrying out small operations, and performed an invaluable service in rural areas, especially for older people, the majority of them

women. The service was well publicized on television and enjoyed wide public support. As for the question of schools in remote areas, she said that, although there still existed schools that were heated by firewood, that was true of only a handful. As the economic development of Azerbaijan increased, mains water, electricity and gas reached nearly all areas.

15. **Ms. Patten** said that she was concerned by the link between the high abortion rate in Azerbaijan, as indicated in paragraph 123 of the State party's report, and sex selection. She was aware that the abortion rate was due to a combination of factors, but sex selection skewed sex ratios and led to the further aggravation of sexual inequality, with a consequent far-reaching impact on society and the economy. She asked what position the Government took on abortion for sex selection and how it countered the pressure on women from their partners or families to abort female foetuses. She asked what support was given to women to make an informed choice and what advocacy was available to health-care providers.

16. **Ms. Haidar** said that, further to Ms. Patten's comment, the data of the State Statistical Committee showed that, although the sex ratio had fallen since the turn of the millennium, it remained high, at 116 men to 100 women. The country's population growth had been affected for two decades. She asked whether the Government had any plans to rectify the situation and whether it acknowledged that there was a problem owing to patriarchal attitudes in the country.

17. **Mr. Bruun** said that he had received no answer to his questions about pensions and the retirement age.

18. **Ms. Huseynova** (Azerbaijan) said that the State Committee for Family, Women and Children's Affairs took the question of sex-selective abortion very seriously and, when it had received the relevant data, it had taken action with television commercials and outreach in schools and universities. Gender centres had been established, where the topic was constantly under discussion. She denied, however, that patriarchal attitudes were the norm: women were treated on an equal footing with men. Her Committee was researching sex selection, in partnership with international organizations, and its findings would be thrown open for public consideration. Monitoring procedures had been set up in various institutions and, on the basis of the research results, a decision on further action could be made.

19. **Mr. Mammadov** (Azerbaijan) said, with regard to the pensionable age, that, between 1 January 2010 and 1 January 2016, the age had increased by six months every year, starting at the base of 57 years of age. Thus, in 2014, the age was 59 and would reach 60 in 2016. A person who had paid insurance premiums for 12 years or more was entitled to a full pension. He added that, of the economically active population, women made up 48.8 per cent, as against 51.2 per cent of men.

20. **Ms. Pomeranzi** said that the State party's report provided only partial information on the action taken to reduce the vulnerability of women and provide equal economic opportunity. The quality of a person's economic activity was crucial: a woman might obtain employment with relative ease but enjoy no upward mobility or opportunities, especially in business. There were several impediments to women's progress. For example, according to the World Bank, in 2011 only 15 per cent of women had bank accounts and in 2012 only 29 per cent could be recipients of a microfinance loan. According to other sources, only 3 per cent of women owned their own businesses. Women could not provide collateral, because gender stereotypes dictated that they were incapable of managing money. She asked what action would be taken to raise the awareness of private-sector banks and companies of gender needs and what programmatic intervention could be made, especially at the local level, where discrimination started.

21. **Ms. Gabr** said, further to Ms. Pomeranzi's remarks, that independent research had found that women in Azerbaijan were unable to get credit or microfinance and generally

suffered from a lack of resources and skills. Stereotypes were slow to die out. Additional problems were caused by early marriage. She asked what steps the Government was taking to encourage women into gainful employment, particularly in rural areas, since rural unemployment pushed people to migrate and laid an even greater burden on women. An innovative approach was required.

22. **Ms. Huseynova** (Azerbaijan) said that her colleague, Ms. Hasanova, Deputy Minister of Economic Development, was living proof that women could contribute to the country's economic development, which was a priority for Azerbaijan. Indeed, the more development enjoyed by women the less vulnerable they were to violence and discrimination. In April 2015, the Government would be holding the second of two conferences on economic development. As for the question of credit, she said that Azerbaijan had not long been an independent country and the private sector was small for both men and women. It was completely incorrect, however, to say that women had no access to banks or credit. Wages and pensions were paid through banks. She did not understand what material the independent research had drawn on. On the contrary, action had been taken over the years 2010 to 2014 to develop small and medium-sized enterprises in rural areas. One pilot project had been so successful that many other districts were clamouring for the same treatment. A project entitled "Start your own business" had provided training for 300 women in 2014 and 35 had been given grants to set up their own businesses. Resource centres had also been set up.

23. **Ms. Hasanova** (Azerbaijan) said that many challenges remained in Azerbaijan, where a greater proportion of men were entrepreneurs. However, she was pleased to report a positive dynamic, with the number of female entrepreneurs having grown from 81,000, or 17.8 per cent of the total in 2013, to 99,000, or 19 per cent, in 2014. In the forums on women entrepreneurs convened by the State Committee for Family, Women and Children's Affairs she had been struck by how active women were in business in Azerbaijan and therefore she was optimistic about their future. A great deal of support was available for business development in Azerbaijan and women entrepreneurs had participated in building a private sector which, almost non-existent at the time of independence, had come to represent more than 80 per cent of the country's economy.

24. Incomes had risen considerably in the previous decade, living standards had improved and the incidence of people living in poverty had been reduced from 50 per cent at the turn of the millennium to under 5 per cent. The increase in public procurement contracts had also opened up considerable opportunities for private businesses and women entrepreneurs. Azerbaijan had enjoyed macroeconomic stability over the previous decade, with low inflation, a positive economic growth rate, a stable currency and low external debt. In addition to the favourable economic climate, the streamlining by the Government of the procedures required to open a business were of benefit to women. Business taxes had been reduced and hardly existed in the agricultural sector, including food processing, in which a significant and increasing proportion of women were employed. It was true that women still experienced difficulty in obtaining large loans, although the Government was tackling the problem by providing soft loans to women entrepreneurs and by funding regional credit unions that gave access to loans without the need for collateral. The World Bank data on the share of women with bank accounts cited earlier were outdated, since all female pensioners received a debit card free of charge from the Government and all working women were provided with bank cards through their employers. Government subsidies were provided to persons working in the agricultural sector through direct deposits to bank accounts that were also provided free of charge.

Articles 15 and 16

25. **Ms. Halperin-Kaddari** said that although the State party had been commended for having raised the minimum age for marriage for women, it was troubling that girls as young as 12 years of age continued to leave school in order to be married. The minimum age for marriage had been raised under the Criminal Code and she wished to know how it had been enforced; experience had shown that such changes must be accompanied by comprehensive programmes that included awareness-raising and strong implementation measures. She asked who would be punished for enabling an early marriage, including the parents or the religious authorities, and whether any proceedings had been brought for violations of the amended Code. Similar concerns existed with respect to the wider problem of unregistered religious marriages; perhaps stricter penalties, including the punishment of religious officials, would be appropriate. The children of unregistered married couples were considered to have been born out of wedlock; she wished to know what consequences that dubious status had, including for their right to be registered at birth and their rights with respect to their fathers. She urged the State party to bring its legislation into line with general recommendation No. 29 of the Committee on the economic consequences of marriage, family relations and their dissolution.

26. Concerning marital property, she noted that less than half of 1 per cent of all couples entered into prenuptial agreements. She asked whether the State encouraged prenuptial agreements and whether women were advised of their rights and of the consequences of not entering into them. The most common matrimonial regime in the absence of an agreement appeared to be partial community of property: she wished to know how such property was divided upon divorce, including deferred compensation such as pensions or insurance premiums. Under the new employment-based State pension scheme, women would be entitled to considerably fewer pension benefits than men in view of their limited participation in the labour market and divorced women would be left with even less if the marital property regime did not include pensions.

27. **Ms. Huseynova** (Azerbaijan) said that the earliest marriages that had been recorded in recent years involved girls aged 16, an age that her Government considered to be too early for marriage. However, it was wrong to suggest that girls under the age of 16, much less girls as young as 12, had been married off. In 2011, some 5,130 early marriages had been registered. In 2012, that number had fallen to 295 and in 2013 to 229. The rapid decline in the number of early marriages between 2011 and 2014 could be attributed to the change in the law and to national awareness campaigns in schools and public information films. Research on early marriages had been shared with the general public. Records of forthcoming weddings were kept at the regional level and, when a potential early marriage was suspected, the families concerned were visited by officials who explained the legislation and the criminal responsibility involved. Over the previous year, eight early marriages had thus been prevented.

28. Prenuptial agreements were gradually being taken up in increasing numbers. Marital property was divided equally upon divorce, even where the women had not worked. Women could appeal against court decisions on the distribution of assets if they believed that the divorce settlement was unfair.

29. Azerbaijan was a secular country and religious marriages were not recognized by the State. Religious ceremonies could be performed once a civil marriage had been recorded. Instances where the law had been flouted were rare.

30. Isolated cases of early marriage persisted and families sought to hide them from the authorities in order to avoid prosecution. Action was being taken to identify the couples concerned and to invite them to register their marriages and the births of their children. Some women in unregistered marriages had suffered from domestic violence.

31. **Mr.** Faig **Gurbanov** (Azerbaijan) said that the provisions of the Convention were reflected in various laws in Azerbaijan and they were applied by the judiciary. The Government had launched initiatives to challenge gender stereotypes and to combat discrimination. Religious marriages had no legal effect in Azerbaijan. Monitoring mechanisms were in place to ensure that the birth of children of parents in unregistered marriages was duly registered.

32. **Ms. Huseynova** (Azerbaijan) said that under the amended Criminal Code attempted forced marriages were punishable by up to 2 years in prison or a fine of up to 3,000 euros and by 4 years in prison and a fine of 4,000 euros if the offence had already been committed against the minor. The parents of children and any other family members involved in forcing children into early marriage were liable to such punishment under the law. The decline in early marriages in recent years was a testament to the deterrent effect of the amended legislation and accompanying awareness-raising.

33. **Ms. Pomeranzi** said that, while she noted the credit facilities provided to women entrepreneurs, she would have preferred to see more widespread information campaigns that promoted women in business and the economic empowerment of women.

34. **Ms. Huseynova** (Azerbaijan) said that, as there was blanket insurance coverage of the population, insurance premiums were not factored into marriage contracts. Notwithstanding the marriage contract, if a widow did not work she was entitled to apply for her husband's pension. However, divorced women were not entitled to a share of their former spouse's pension. All children born out of wedlock had the right to child maintenance from their recognized fathers and appeals to the courts could be made if they did not receive such support. Lastly, awareness campaigns and workshops to increase the number of women in business were held in rural areas and not just in major cities.

35. **The Chairperson** said that she was grateful to the delegation for its constructive dialogue with the Committee, which had provided further insight into the situation of women in Azerbaijan, and encouraged the State party to take all necessary measures to implement the various recommendations of the Committee.

The discussion covered in the summary record ended at 5.10 p.m.